

# STATE OF COLORADO

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*Dedicated to protecting and improving the health and environment of the people of Colorado*

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## HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

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Colorado Department  
of Public Health  
and Environment

June 20, 1995

Mr. Steven W. Slaten  
U. S. Department of Energy  
Rocky Flats Office, Bldg 116  
P.O. Box 928  
Golden, Colorado 80402-0928

RE: Proposed Plan for Operable Unit 1

Dear Mr. Slaten,

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division), has received your letter of June 16, 1995, regarding the OU 1 Proposed Plan (95-DOE-08464). Your responses to our comments of June 8, 1995, are adequate with the exception of the monitoring well locations and action levels.

DOE has consistently stated it's contention that the IHSS 119.1 plume is not moving. We have stated that a protective remedy could be constructed around monitoring that demonstrates that the plume is not moving and includes some type of institutional control. To make this demonstration, however, monitoring wells and associated action levels must be placed at the plume boundary. If DOE has confidence in their determination that the plume is stationary, then the placement of monitoring wells immediately down-gradient of the plume should not be problematic. If DOE does not have confidence in a stationary plume, then perhaps a remedy built around monitoring is not the best solution. DOE cannot assume a stationary plume, but propose monitoring that allows for continued plume movement.

To determine if a remedial action is warranted under RCRA/CHWA, action levels for ground water are determined by the appropriate state ground water quality standards. There can be no doubt or argument that contamination levels in the ground water in the IHSS 119.1 vicinity exceed these action levels. Therefore, since action levels were exceeded, a Corrective Measures Study (CMS/FS in the IAG) was triggered. The CMS/FS for OU 1 evaluated many potential remedial options. Monitoring with institutional controls is one of several options evaluated that can be protective.

As you have acknowledged, a remedy that depends on monitoring a stationary plume must incorporate mitigating actions should the monitoring detect plume movement. From our perspective, contaminant levels within the monitoring wells that trigger a mitigating action should be appropriate contaminant analytical detection limits. This ensures protection of public health and the environment, avoids continuing degradation of ground water, and triggers mitigating actions early when there is a high likelihood of success.

The Division, as stewards of public health, the environment, and taxpayer dollars,

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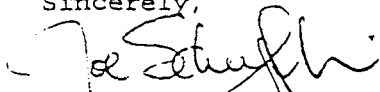
sees no negative cost impacts from locating monitoring wells at the plume boundary - the costs would be no higher at the plume boundary than at the location DOE describes in their letter. Additionally, we see many positive impacts of monitoring the plume boundary in terms of protection of human health and the environment and institutional controls could be confined to a smaller area.

At this point it is worth noting that the Division is continuing to evaluate other portions of OU 1 for remedial action. Much has been made of the IHSS 119.1 situation, but it is probably not the only IHSS within OU 1 for which some type of action will be needed. We are also continuing to evaluate remedial alternatives for OU 1, including IHSS 119.1, that achieve source removal rather than indefinite monitoring. We reserve our right, pursuant to Paragraph 156 of the IAG, to select an alternate corrective action that better protects human health and the environment.

As we stated in our June 8th letter, releasing the May 25, 1995 version of the OU 1 Proposed Plan to public comment prior to resolution of these issues compromises public trust, violates Paragraph 155 of the IAG, and publicly repudiates DOE's commitment to the "consultative process." It also potentially wastes further time and resources. In addition, normally the Division releases a consensus Proposed Plan simultaneously as a Draft Permit Modification (see Paragraph 155 of the IAG). Unless these issues are resolved, the Division will not release the document as a Draft Permit Modification. This has ramifications that DOE should consider.

In summary, we cannot support DOE's June 16, 1995 proposal for monitoring well locations down gradient of the french drain and DOE's selection of inappropriate action levels. The four remaining portions of the proposal (items 1, 2, 3, and 5 in the June 16th letter) are adequate as is the portion of the item in question that states that monitoring will be continued as long as necessary to protect human health and the environment. We strongly believe that the intent of the IAG was to release to public comment only those items that the IAG parties had reached consensus upon. If DOE releases the May 25, 1995 version of the OU 1 Proposed Plan to public comment, as is proposed in your June 16th letter, we will evaluate our options and take whatever action we believe to be necessary and appropriate. If you have any questions regarding these matters, please call me at 692-3356.

Sincerely,



Joe Schieffelin, Unit Leader  
Rocky Flats IAG Unit  
Hazardous Waste Control Program

cc: Martin Hestmark, EPA  
Dan Miller, AGO  
Jackie Berardini, CDPHE-OE  
Steve Tarlton, CDPHE-OE